

EMERGENCY VEHICLES--DUTY OF DRIVER OF NON-EMERGENCY VEHICLE.¹ G.S. 20-157(a).²

NOTE WELL: Two versions of N.C.G.S. § 20-157(a) appear in the General Statutes. Alternative One of this instruction is based upon the version which is designated "Effective before July 1, 2006," and should be used accordingly. Alternative Two is based upon the second version which is designated "Effective July 1, 2006," and likewise should be used accordingly.

ALTERNATIVE ONE

The motor vehicle law provides that upon the approach of any emergency service vehicle such as a [police vehicle] [fire department vehicle] [public or private ambulance] [rescue squad emergency service vehicle] which is giving warning signal by appropriate light and by [siren] [bell] [exhaust whistle] which can be heard under normal conditions from a distance of not less than 1,000 feet, the driver of every other vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain stopped until the emergency vehicle has passed, unless otherwise directed by a police or traffic officer.³

¹If there is a dispute as to whether the vehicle was one of those described, or a dispute as to whether an emergency existed, see N.C.P.I.--Civil 210.10, Motor Vehicle Volume, Fn1.

²N.C.G.S. § 20-157(a) provides that it "does not apply to vehicles traveling in the opposite direction of the vehicles herein enumerated when traveling on a four-lane limited access highway with a median divider dividing the highway for vehicles traveling in opposite directions.

"A "median strip" or "median" has been defined as "a paved, planted or landscaped strip in the center of a highway that separates lanes of traffic going in opposite directions." *Random House Dictionary of the English Language*, 2d ed., 1987.

³Where obedience to this statutory provision would interfere with the right-of-way of the emergency vehicle, see G.S. 20-156(b), requiring motorist to yield right-of-way. That statute is the basis of N.C.P.I.--Civil 210.10, Motor Vehicle Volume.

A violation of this law is not negligence within itself. However, the evidence with regard to it is to be considered with all the other facts in evidence in determining whether the [plaintiff] [defendant] was negligent.

ALTERNATIVE TWO

The motor vehicle law provides that upon the approach of any emergency service vehicle such as a [law enforcement vehicle] [fire department vehicle] [public or private ambulance] [rescue squad emergency service vehicle] which is giving warning signal by appropriate light and by [siren] [bell] [exhaust whistle] which can be heard under normal conditions from a distance of not less than 1,000 feet, the driver of every other vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain stopped until the emergency vehicle has passed, unless otherwise directed by a law enforcement or traffic officer.

A violation of this law is negligence within itself.